

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	ECF Case
NUANCE COMMUNICATIONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	
	:	
INTERNATIONAL BUSINESS MACHINES	:	
CORPORATION	:	
	:	
Defendant.	:	
-----	X	

**DECLARATION OF RONALD S. SCHNELL**

1. I was retained through Berkeley Research Group to serve as an expert witness for Nuance Communications, Inc. (“Nuance”) in this matter. I have practiced in the field of computer science for more than thirty years. As part of my retention, I have reviewed the source code provided by Defendant International Business Machines Corporation (“IBM”) for DeepQA, Watson Engagement Advisor, Watson for Oncology and Watson for Drug Discovery.

2. A “Source Code Control System” (“SCCS”) is a software system used by software developers, so that changes made to the software over time can be tracked. SCCS software is used for several purposes, including, but not limited to:

- a. General tracking and auditing;
- b. Providing the ability to reverse changes;
- c. Establishing versions of source code, allowing maintenance and handling of different customers with different versions; and
- d. Tracking programmer notes/comments in order to provide a better understanding of why changes were made.

3. Based on my review of the operative Complaint, some of the issues in this case are how DeepQA changed over the years, and what it has in common with certain other IBM products, including whether those products or components of those products are “modifications, updates, upgrades, error corrections, bug fixes, . . . and other changes” (collectively, “Upgrades”) to DeepQA under the terms of the September 30, 2010 software license agreement between Nuance and IBM.

4. I therefore requested SCCS metadata for DeepQA and those other products. Metadata from an SCCS will inform me as to how the various products evolved and the extent to which they are interrelated.

5. Through my prior work at IBM on development projects, [REDACTED]  
[REDACTED]

6. Having attended several Rule 30(b)(6) depositions in this case, I have heard testimony from IBM’s Corporate Representatives that, [REDACTED]

[REDACTED]. I have also heard testimony from IBM’s Corporate Representatives that [REDACTED]  
[REDACTED]

7. Having reviewed the source code provided on the secure computer, as well source code provided by Nuance that I understand was provided from IBM, I have found evidence, in the form of both references and artifacts, [REDACTED]  
[REDACTED]

8. My opinions in this matter, including whether IBM has made Upgrades to DeepQA which were not provided to Nuance, will be best informed by the review of the

metadata from the SCCS that are/were used to develop the products at issue in this matter, throughout the time at issue in this matter.

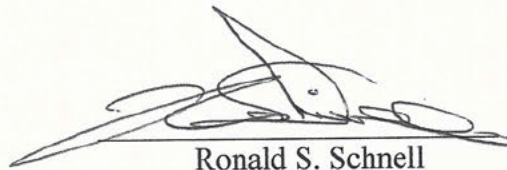
9. In reviewing the source code on the secure computer, I [REDACTED]

[REDACTED] In addition, I noted references to [REDACTED]

10. In reviewing the DeepQA source code, [REDACTED]

11. After reviewing the files on the secured computer, I designated approximately 260 pages to be printed. These files included [REDACTED]

[REDACTED]



Ronald S. Schnell

Dated: July 6, 2017